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October 12, 2007

By Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Ex Parte Notice*; WC Docket Nos. 05-25, 06-125, and 06-147

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, COMPTEL hereby gives notice that, on October 11, 2007, its representative sent the message pasted in below as an email message to each FCC wireline legal advisor (for Chairman Martin and the other Commissioners). Specifically, COMPTEL sent the email message to Ian Dillner, Scott Deutchman, Scott Bergmann, Chris Moore, and John Hunter.

Dear Legal Advisors:

Please consider the articles (links provided below) that I have attached. Because of the ubiquity of "packetization" in the modern network, many--if not most--services are transported via packet technology. These services are then translated at the customer premise into the protocol format that is best utilized by the customer's own CPE. Thus, it is of no utility to try to create a regulatory classification that does not conform to network realities, and then expect that such an artificial distinction will result in any meaningful distinctions in the way broadband services are sold.

COMPTEL would recommend the FCC simply refrain from using the modifying term "TDM" if it wishes to continue regulation of certain traditional circuit capacities, and, instead, just regulate based on the capacities but not the transmission protocols. Below are some links to articles that explain the danger in

trying to preserve regulated access, and the difficulty in preserving the FCC's options in the special access rulemaking if it substantially deregulates packet-based services. In all likelihood nearly every high-capacity service offered now, or in the near future, will be an all-packet transmission to the customer premise. Thus, the Commission could well be forfeiting any opportunity to meaningfully regulate special access as a result of precipitous action on the AT&T broadband forbearance petition.

COMPTEL encourages the Commission not to be duped by this "Trojan Horse" language, and to simply deny AT&T's petition on the basis of their overwhelming lack of evidence proving their case under section 10. The FCC should take its time and make sure all parties to be effected by any grant of forbearance truly understand the meaning of terms that are not statutory, have no explicit definition in Commission rules, orders, or AT&T's petition, and have the potential to eclipse any meaningful consideration of these issues in the Commission's special access rulemaking.

AT&T's network uses all-packet high-capacity transmission:

http://www.telecommagazine.com/techzones/broadband/article.asp?HH_ID=AR_3566

Everybody's switching from TDM to IP:

<http://www.networkworld.com/news/2006/022706-infonectics-ip-telephony.html>

No meaningful distinction between IP and TDM over Verizon's newest business service platform:

<http://www.networkworld.com/news/2007/071607-verizon-business-launches-new-optical.html>

As these articles show, not only does the TDM "classification" lack any real-world significance, and resists meaningful, practicable, and distinct, regulatory definition; but, even if this classification could be made to have meaning, it fails to preserve a portion of the market that will have any long-term significance. Deregulation of everything but "TDM-based" broadband services is, potentially, the deregulation of all high-capacity transmission services. COMPTEL urges the Commission to deny the AT&T petition and to change the regulatory status of certain AT&T services--if merited--in the special access rulemaking proceeding. Please let me know if you have further questions. --Jonathan

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Representing COMPTEL was the undersigned attorney.

Sincerely,

/s/ Jonathan Lee